

Ari B. Teman

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October 8, 2023

The Honorable Judge Paul Engelmayer  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Emergency<sup>1</sup> motion to be Sentenced to home confinement or granted compassionate release to home confinement due to high-risk of COVID-19 infection & history of repeated infection with severe side effects, hospitalizations, and even surgery to re-open airways**

Your Honor said on December 1, 2021 that I would receive a shorter sentence and be eligible for home confinement or compassionate release due to being immunocompromised and at high risk of COVID side effects. Since then, the risk has been proven repeatedly. I have had severe side effects from the vaccine, requiring surgery, ER and doctor visits, and months of recovery including significant numbers of supplements and medications, and then still became infected from COVID-19 suffering severe hallucinations, tremors, and requiring additional months of recovery.

Your Honor said:

Based on the risk presented by COVID, this court temporarily released certain offenders who were awaiting trial into the custody of others. The court also ordered the early release of many offenders under the compassionate release statute, particularly where the offender was at high risk of contracting or dying, severely suffering from COVID. And relevant here in many cases, the court has imposed lower sentences to reflect the extra rigor of time in custody during the pandemic, whether that custody had been served before the sentencing date or was destined to follow...

Prior counsel notes and corroborates that you have had respiratory surgery and complications that potentially put you at higher risk for COVID-19. [TR 89]

As Your Honor knows, as a result of inflammation across my body following the J&J/Jansen Vaccine, I needed surgery to re-open my airways (DKT 290, “The Court appreciates this notification which is a satisfactory alternative to the letter that the Court directed be filed today. The Court wishes Mr. Teman a speedy and full recovery”), lost control of my arms and legs which resulted in multiple ER and doctor visits, and had swelling

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<sup>1</sup> The defendant acknowledges that this motion is last-minute, but the defendant believed that Mr. Quainton would be victorious with his prior motion and secure a stay and dismissal, and had also assumed that Mr. Commissiong would be able to file the 2255 with enough time to get resolution before reporting. Nevertheless, the defendant apologizes to the court for the last-minute filing, and hopes the court will apply the same compassionate release as it did for Daniel Hernandez and other defendants at risk of severe side effects.

throughout my body, including my brain such that doctors thought I had a brain tumor and had me at Sylvester Cancer Center (DKT 278, 280). It was not until a doctor recognized COVID side effects and began a protocol of medications and supplements that I lost the severe “brain fog” and the other painful side effects.

I believe Your Honor would agree such side effects constitute “severely suffering from COVID”.

Now I am facing a much longer sentence even though there is increased risk of COVID infection and the *same* horrifying side effects. According to Yale Medicine in September 2023, just last month, the current variant is more contagious, equally dangerous, and there is no immunity from prior infection or vaccination<sup>2</sup>:

“Eris is already the dominant coronavirus subvariant in the country, infecting more people than any other single strain. ..But early reports have shown EG.5 has been spreading faster than any other currently circulating strain...

However, EG.5 does have one new mutation in its spike protein (the part that facilitates virus entry into the host cell) that can potentially evade some of the immunity acquired after an infection or vaccination.”

Doctors have told me not to take another vaccine because (a) of the severe side effects, (b) there is no evidence the vaccines protect against current variants, and (c) because the vaccines did not prevent me being infected and (d) did not appear to mitigate the side effects. The Florida Surgeon general also does not recommend the current vaccines for individuals under 65, and they are contraindicated for those who have had previous side effects.

Instead, I have been advised to eat a non-inflammatory diet (no dairy, grains, refined sugars, etc -- which would be difficult in prison) and to take ivermectin<sup>3</sup>, and a battery of other supplements known or suspected to help mitigate the side effects before traveling, as well as to socialize outdoors whenever possible and to not go near anyone with any symptoms even if they did not test positive. I do not work within 6 feet of anyone, and I sit and take meetings outdoors whenever possible and leave the doors and windows open with fans running in my apartment when there are guests.

As well, I cannot use the monitoring devices for sleep, breathing, and temperature that I use now to detect infection and breathing issues early.

Given:

- (a) the increased infection rate, per Yale Medical school (September 2023), cited above
- (b) my immunocompromised state, which Your Honor acknowledged in 2020
- (c) the severe side effects from taking vaccine,
- (d) the severe side effects from COVID-19,

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<sup>2</sup> <https://www.yalemedicine.org/news/covid-eg5-eris-latest-coronavirus-strain>.

<sup>3</sup> I understand ivermectin draws debate, but my medical doctors prescribe it, the prescription is filled by Walgreens, a mainstream pharmacy, and there are apparently 99 peer-reviewed studies ( <https://c19ivm.org/meta.html> ) showing it reduces hospitalizations significantly, and it does appear to work for me. While I can take a high dose of ivermectin and supplements for a flight, which is what I did when traveling to court, Israel, and Australia, I cannot do this daily for a year because that would be a risky level of the medication.

- (e) my lack of immunity to COVID-19 & inability to take a vaccine
- (f) my requirement for special cocktail of medications & supplements to be administered immediately
- (g) the requirement that I track my sleep and temperature on an ongoing basis for early detection of COVID and/or resulting breathing issues
- (h) that many corrections officers refused the vaccine
- (i) vaccines do not prevent transmission

the same logic Your Honor used in December 2020 in granting compassionate release and/or home confinement to those who are immunocompromised should apply and I should be granted Home Confinement or immediate compassionate release.

It is also unfair that I receive a longer sentence due to the Government and Biale's disclosure violation. Had Mr. Biale not been conflicted and Your Honor not needed to delay sentencing that day, I would have been sentenced in December 2020, and would be done with the sentence. Your Honor would certainly have ordered compassionate release or home confinement given the severe side effects from the vaccine and infection, so there would be no reason to ask for bond pending appeal.

To now face a year of increased risk of COVID infection in a dormitory setting and among many COs who are not vaccinated, and without the ability to maintain an anti-inflammatory diet recommended by my doctors, goes against Your Honor's own, sound logic for granting home confinement to those at risk of "severely suffering from COVID".

The defendant therefore respectfully motions to be resented to compassionate release and/or home confinement.

The defendant understands the significance of this request and would respectfully suggest community service hours be added in place of incarceration, such that the Court does not feel the defendant is trying "getting away" with something due to his immunocompromised state. Such hours could be monitored by a non-profit organization and pretrial services, even if done remotely.

Given the repeated hospitalizations and surgery, I am really afraid of getting very sick or dying in prison from COVID, which I think Your Honor can understand, and which perhaps explains some of my panicked tone in my motions (both from motioning while very sick and from this fear), and I hope Your Honor can be compassionate and empathetic to that.

In the event the Court will give the Government time to reply to this motion, the defendant respectfully motions for an emergency stay of reporting until this motion is resolved to avoid infection.

Respectfully submitted,

s/Ari Teman/  
Defendant, Pro Se

P.S. While it is not the defendant's practice to motion or conduct any business on Jewish holidays, *Halacha*, Jewish law obligates one to act to free someone from danger of illness or death and the risk here is severe given the recent medical history. As there is not a full day after the holidays for such a motion to be considered, the defendant files this today.